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{ REPORT
{ No. 91-952

PROVIDING FOR THE ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

JUNE 24, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 4574]

The Committee on the Judiciary, to which was referred the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States of not to exceed 205 inhabitants of the Bonin Islands and certain of their children within 2 years after enactment of this act. The bill further provides that such aliens may petition for naturalization upon completion of the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act.

STATEMENT

This proposed legislation was first introduced in the House of Representatives and Senate in the 90th Congress as a result of an executive communication. The proposal was embodied in the Senate bill, S. 3488, during the 90th Congress, which was passed by the Senate on June 12, 1968, but did not receive approval in the House of Representatives. The need for legislation results from the transfer of the administration of the Bonin Islands from the United States to Japan. On November

15, 1967, the President of the United States and the Prime Minister of Japan issued a joint statement agreeing to enter into immediate consultation regarding the restoration of the Bonin Islands to Japan. The United States had administered the affairs of the Bonin Islands under the terms of the September 8, 1951, Treaty of San Francisco.

The Bonin group of islands is composed of Muko Jima Retto, Chichi Jima Retto, and Haha Jima Retto. The residents of these islands, although Japanese nationals, trace their ancestry to Yankee sailors and have a real sense of identity with the United States. In 1944 all noncombatant inhabitants of the Bonin Islands were evacuated to Japan; however, in 1946 those persons of nonoriental origin were returned by the United States to the islands where they were placed under U.S. Navy administration. The Navy employed the islanders, subsidized their economy, and provided education in English. The economy of the Bonins was dependent upon the U.S. Navy for over two decades.

On June 26, 1968, the Bonin Islands reverted to the Japanese Government and the transfer of administration created difficult problems of adjustment for the residents. There is dispute over land ownership as well as a problem for the youth to adapt to the now-required Japanese language. A number of the islanders are presently serving in the U.S. Armed Forces, others are attending school in the United States and Guam. For these reasons, it is deemed appropriate to provide the islanders an opportunity to immigrate to the U.S. territory. This special legislation is necessary because the present numerical limitation, under the provisions of the Immigration and Nationality Act, will not provide a possibility of immigration in the near future.

Section 1 of the bill would exempt not to exceed 205 of the islanders, and certain of their children, from most of the restrictions, limitations, and requirements under the immigration laws with respect to admission to the United States if they are in possession of a valid identity certificate issued by the Military Governor of the Bonin Islands or by a U.S. consular officer in Japan. They would not be exempted from the classes of aliens who are subject to exclusion from admission because of criminal, immoral, narcotics, or subversive grounds, nor would they be exempted from the provisions which relate to the deportation of aliens excludable at the time of entry or deportable on subversive grounds. They would also remain subject to travel controls imposed on aliens and citizens in time of war or national emergency.

Section 2 limits the application of the provisions of the bill generally to: (1) natives of the Bonin Islands or of Japan who are nationals of Japan and who resided in the islands on November 15, 1957, including an inhabitant temporarily absent from the islands on that date; and (2) any inhabitant of the Bonin Islands who was born to eligible parents after November 15, 1967, but before the expiration of 2 years after the enactment of the bill and who continued to reside in the islands.

Section 3 provides a means by which the islanders who immigrate to the United States may proceed to naturalization after a period of stay which would satisfy the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act. If the alien islander resides in the United States continuously for 5

years and has been physically present for 2½ years of that time and has been a resident in the State in which he intends to petition for naturalization for 6 months, he shall be deemed to have been lawfully admitted for permanent residence for naturalization purposes. The islander would then be in a position to petition for naturalization but would have to satisfy all the requirements applicable to any other petitioner.

The Department of the Navy submitted the following report on the bill dated April 10, 1969, to the chairman of the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., April 10, 1969.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your request for comment on H.R. 4574, a bill to provide for the admission to the United States of certain inhabitants to the Bonin Islands, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

As stated in its title, the purpose of the proposed legislation is to allow certain residents of the Bonin Islands to immigrate to the United States in the near future.

On November 15, 1967, the President and Prime Minister Sato of Japan issued a joint statement which set forth their agreement that the United States and Japan would enter immediately into consultations regarding the specific arrangements for accomplishing the early restoration of the Bonin Islands to Japan. All noncombatant inhabitants of the Bonin Islands were evacuated to Japan in 1944 when the threat of military operations drew near. However, in 1946 those of non-Oriental origin were returned by the United States to Chichi Jima, where they were placed under U.S. Navy administration. On June 26, 1968, the Bonin Islands reverted to the Japanese Government.

One of the problems involved in the transfer of the islands to Japanese sovereignty is the sense of identity with this country felt by many of the 205 inhabitants who were residing in the islands at the time of their reversion to Japan. Although they are Japanese nationals, groups of the above islanders twice petitioned for U.S. citizenship in the 1950's. The United States Navy employed the islanders, subsidized their economy and provided education in the English language. The transfer of administration creates difficult problems of adjustment for them, and, based on an informal poll taken in December 1967, it is believed that a sizable number of this group would desire to immigrate to the United States.

The Department of Defense and the Department of State consider that it would be appropriate to provide the islanders the opportunity to immigrate to the United States. Such a development would alleviate the social and economic dislocation resulting from the transfer of administration. Certain requirements in present immigration laws, however, stand as a practical matter in the way of admission of

Bonin Islanders. It is considered that the most expeditious manner of providing for such immigration is new legislation affording them this opportunity for a period of about 2 years. Such action, warranted by the unique circumstances of the Bonin Islanders, should not be a precedent for other areas similarly administered. Accordingly, the Department of the Navy, on behalf of the Department of Defense, strongly supports enactment of legislation to accomplish the purpose of this bill and believes the proposed legislation would be an acceptable and satisfactory method for doing so.

This report has been coordinated with the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises, that, from the standpoint of the administration's program, there is no objection to the presentation of this report on H.R. 4574 for the consideration of the committee.

Sincerely yours,

MEANS JOHNSTON, Jr.,
Rear Admiral, U.S. Navy,
Chief of Legislative Affairs.

Reports from the Department of State and the Department of Justice dated April 14, 1969, and April 3, 1969, respectively, to the chairman of the Committee on the Judiciary of the House of Representatives concerning the bill read as follows:

DEPARTMENT OF STATE,
Washington, D.C., April 14, 1969.

HON. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have received your letter of February 11 asking for the Department of State's views on H.R. 4574.

The Department of State favors legislation that would provide Bonin Islanders the opportunity to immigrate to the United States. Such legislation would provide a means of relief from the unusual humanitarian problems resulting from transfer of the islands' administration from the United States to Japan. H.R. 4574 would accomplish this purpose. I note in particular that this bill would remove major barriers to immigration by excepting Bonin Islanders from the provisions of sections 212(a) 14 and 15 of the Immigration and Nationality Act.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to submission of this report.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., April 3, 1969.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for our comments on H.R. 4574, a bill to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

This bill is very similar to S. 3488 of the 90th Congress which was passed by the Senate and is discussed in Senate Report 1224 of June 10, 1968. As that discussion shows, the proposal is supported by the Defense, State, and Justice Departments for the reasons stated therein.

The Department of Justice knows of no grounds for changing its position on this matter, and supports prompt enactment of this bill or other appropriate and effective legislation for the same purpose.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

The committee, after consideration of all the facts, is of the opinion that the bill (H.R. 4574) should be enacted.

CHANGES IN EXISTING LAW

The instant legislation does not provide for any change in existing law.





